

1 Michele R. Stafford, Esq. (SBN 172509)
Blake E. Williams, Esq. (SBN 233158)
2 SALTZMAN & JOHNSON LAW CORPORATION
44 Montgomery Street, Suite 2110
3 San Francisco, CA 94104
(415) 882-7900
4 (415) 882-9287 – Facsimile
mstafford@sjlawcorp.com
5 bwilliams@sjlawcorp.com

6 Attorney for Plaintiffs

7
8 UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 DISTRICT COUNCIL 16 NORTHERN
CALIFORNIA HEALTH AND WELFARE
11 TRUST FUND, et al.,

12 Plaintiffs,

13 v.

14 WALLACE FLOORING, INC., a California
corporation,

15 Defendant.
16
17

Case No.: C10-5961 CW (BZ)

**REQUEST FOR ENTRY OF DEFAULT
JUDGMENT WITHOUT HEARING;
DECLARATION OF BLAKE E.
WILLIAMS IN SUPPORT THEREOF**

Date: May 25, 2011

Time: 10:00 a.m.

Courtroom: G, 15th Floor
450 Golden Gate Avenue
San Francisco, California

Judge: Magistrate Judge Bernard Zimmerman

18
19 I, Blake E. Williams, declare:

20 1. I am an attorney at law licensed to practice in the State of California, and am an
21 associate of Saltzman and Johnson Law Corporation, attorneys for Plaintiffs herein.

22 2. I submit this Declaration in support of Plaintiffs' pending Motion for Default
23 Judgment filed on March 4, 2011. I am requesting that Judgment be entered by the Court without
24 the necessity of a hearing and that the Court vacate the hearing date presently set for May 25, 2011
25 at 10:00 a.m. before the Honorable Magistrate Judge Bernard Zimmerman.

26 3. The time for filing any Opposition to the Motion for Default Judgment has passed.
27 Entering Judgment without the necessity of a hearing will keep the fees and costs at a minimum,
28 particularly in light of the fact that collection is uncertain.

1 4. As the Court is aware, this matter has been ongoing for some time. Defendant has
2 a history of ignoring response dates. While Plaintiffs are attempting to collect the amounts
3 already due, it is unlikely that Plaintiffs will come close to full recovery.

4 Defendant has closed its doors, and is no longer in business. Attached hereto as
5 **EXHIBIT A** and incorporated herein by reference are true and correct copies of a computer
6 printout from the Contractors State License Board website, showing Wallace Flooring's license is
7 canceled and not able to contract, and a computer printout from the California Secretary of State
8 website, showing Wallace Flooring as a dissolved corporation.

9 As attorneys' fees and costs are "out of pocket," Plaintiffs are attempting to keep
10 fees (and thus the Trust Funds' loss) at a minimum.

11 5. Plaintiffs have exercised due diligence by mailing a copy of the Notice of Motion
12 and Motion for Default Judgment to Defendant. I have received nothing to date, nor have I heard
13 anything from Defendant.

14 I declare under penalty of perjury that the foregoing is true of my own knowledge and if
15 called upon I could competently testify thereto.

16 Executed this 5th day of May, 2011, at San Francisco, California.

17 SALTZMAN & JOHNSON
18 LAW CORPORATION

19 By: _____/s/_____
20 Blake E. Williams
21 Attorneys for Plaintiffs

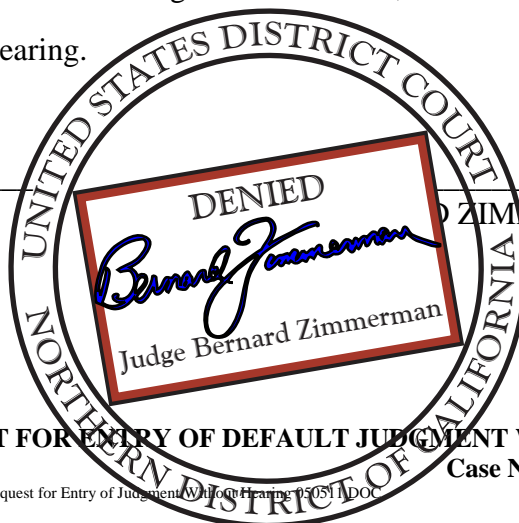
22 IT IS SO ORDERED.

23 Default Judgment is entered for Plaintiffs and against Defendant, as stated in the [Proposed]
24 Judgment without the necessity of a hearing.

25 Dated: _____

26 **REQUEST IS**
27 **DENIED.**

28 Dated: 5/20/2011



REQUEST FOR ENTRY OF DEFAULT JUDGMENT WITHOUT HEARING
Case No.: C10-5961 CW (BZ)

PROOF OF SERVICE

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

On May 5, 2011, I served the following document(s):

**REQUEST FOR ENTRY OF DEFAULT JUDGMENT WITHOUT HEARING;
DECLARATION OF BLAKE E. WILLIAMS IN SUPPORT THEREOF**

on the interested parties in said action by placing a true and exact copy of each document in a sealed envelope with postage thereon fully prepaid, in a United States Post Office box in San Francisco, California, addressed as follows:

**Charles Elliott Wallace
Agent for Service of Process
Wallace Flooring, Inc.
1532 Settlers Court
Folsom, California 95630**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 5th day of May, 2011, at San Francisco, California.

_____/s/_____
Qui X. Lu